

104TH CONGRESS  
2D SESSION

# H. R. 3595

To make available to the Santee Sioux Tribe of Nebraska its proportionate share of funds awarded in Docket 74–A to the Sioux Indian Nation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 1996

Mr. BARRETT of Nebraska (for himself and Mr. BEREUTER) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To make available to the Santee Sioux Tribe of Nebraska its proportionate share of funds awarded in Docket 74–A to the Sioux Indian Nation, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. AVAILABILITY OF PROPORTIONATE SHARE OF**  
4               **DOCKET 74–A TO THE SANTEE SIOUX TRIBE.**

5       (a) IN GENERAL.—Of the amounts appropriated in  
6       satisfaction of the monetary settlement in Docket 74–A,  
7       together with the investment income earned thereon, the  
8       proportionate share of the Santee Sioux Tribe shall be  
9       available in accordance with this Act.

1 (b) FUND.—The Secretary of the Interior shall hold  
2 the amount made available under subsection (a) in trust  
3 for the tribe in a trust fund to be known as the “Santee  
4 Sioux Tribe Docket 74–A Fund”.

5 (c) INVESTMENT OF PRINCIPAL.—The Secretary  
6 shall invest the principal of the fund in accordance with  
7 applicable law.

8 (d) AVAILABILITY OF EARNINGS.—The interest and  
9 investment income earned under subsection (c) shall be  
10 made available on an annual basis to the Santee Sioux  
11 Tribe for such social and economic programs and tribal  
12 government operations as may be determined by the tribal  
13 council of the Santee Sioux Tribe, as follows:

14 (1) 20 percent of such amounts shall be avail-  
15 able annually for economic development.

16 (2) 20 percent of such amounts shall be avail-  
17 able annually for burials.

18 (3) 60 percent of such amounts shall be avail-  
19 able annually for annual budgeting by the tribal  
20 council based on local priorities and initiatives.

21 (e) RESTRICTIONS ON USE OF MONEYS FOR ACQUI-  
22 SITION OF LAND LOCATED OUTSIDE OF RESERVATION.—  
23 Amounts made available under subsection (d) may not be  
24 used to acquire any lands or interests in lands located out-

1 side the exterior boundaries of the reservation of the San-  
2 tee Sioux Tribe.

3 (f) TAX EXEMPTION AND RESOURCES EXEMPTION  
4 LIMITATION.—None of the funds which are distributed  
5 per capita or held in trust pursuant to this section, includ-  
6 ing all interest and investment income accrued thereon  
7 while such funds are so held in trust, shall be subject to  
8 Federal or State income taxes, nor shall such funds nor  
9 their availability be considered as income or resources nor  
10 otherwise utilized as the basis for denying or reducing the  
11 financial assistance or other benefits to which such house-  
12 hold or member would otherwise be entitled under the So-  
13 cial Security Act (42 U.S.C. 301 et seq.) or, except for  
14 per capita shares in excess of \$2,000, any Federal or fed-  
15 erally assisted program.

16 (g) RELEASE, RELINQUISHMENT, AND EXTINGUISH-  
17 MENT OF CLAIMS.—

18 (1) RELEASE AND RELINQUISHMENT.—No  
19 amount may be made available under subsection (a)  
20 until after the Santee Sioux Tribe executes a release  
21 and relinquishment, acceptable to the Secretary, of  
22 all claims subject to Docket 74–A.

23 (2) EXTINGUISHMENT.—By virtue of the execu-  
24 tion of a release and relinquishment under para-  
25 graph (1), all claims by the Santee Sioux Tribe and

1       any of its members against the United States which  
2       are subject to Docket 74–A shall be deemed extin-  
3       guished as of the date of the execution.

4   **SEC. 2. APPLICABILITY OF SETTLEMENT TERMS AND CON-**  
5                   **DITIONS OF SIOUX INDIAN NATION IN DOCK-**  
6                   **ETS 74–A AND 74–B, IF SETTLED.**

7       (a) IN GENERAL.—If the Sioux Indian Nation ac-  
8       cepts the settlement in both Dockets 74–A and 74–B, all  
9       amounts remaining in the fund shall be subject to the gen-  
10      eral terms and conditions applicable to moneys available  
11      to the Sioux Indian Nation under such settlement. There-  
12      after, section 1 shall not apply.

13      (b) SIOUX INDIAN NATION.—For the purposes of  
14      subsection (a), the term “Sioux Indian Nation” means—

15              (1) the Cheyenne River Sioux Tribe of the  
16      Cheyenne River Indian Reservation;

17              (2) the Crow Creek Sioux Tribe of the Crow  
18      Creek Indian Reservation;

19              (3) the Flandreau Santee Sioux Tribe of South  
20      Dakota;

21              (4) the Lower Brule Sioux Tribe of the Lower  
22      Brule Indian Reservation;

23              (5) the Oglala Sioux Tribe of the Pine Ridge  
24      Reservation;

1           (6) the Rosebud Sioux Tribe of the Rosebud  
2       Reservation, South Dakota;

3           (7) the Santee Sioux Tribe of the Santee Res-  
4       ervation, Nebraska;

5           (8) the Standing Rock Sioux Tribe of the  
6       Standing Rock Reservation, North and South Da-  
7       kota; and

8           (9) the Sioux Tribe of the Fort Peck Reserva-  
9       tion, Montana.

10 **SEC. 3. DEFINITIONS.**

11       As used in this Act:

12           (1) The term “Santee Sioux Tribe” means the  
13       Santee Sioux Tribe of the Santee Reservation, Ne-  
14       braska, a party to Docket 74–A.

15           (2) The term “Docket 74–A” means the action  
16       before the United States Claims Court in the case  
17       entitled “Sioux Nation of Indians against the United  
18       States” for the adjudication of claims based on the  
19       Treaty of April 29, 1868 (15 Stat. 635), and the  
20       monetary settlement related thereto, between the  
21       United States Government and the Sioux Indian Na-  
22       tion. Such term does not include claims based on the  
23       Act of February 22, 1877 (19 Stat. 254), relating  
24       to the taking of the Black Hills, designated as Dock-  
25       et 74–B.

1           (3) The term “proportionate share” means 5.11  
2           percent, as provided by the Bureau of Indian Affairs  
3           in their “Results of Research Report” dated October  
4           1989.

5           (4) The term “fund” means the Santee Sioux  
6           Tribe Docket 74–A Fund established by section  
7           2(b).

8           (5) The term “Secretary” means the Secretary  
9           of the Interior.

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